

## Message Text

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TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS

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E.O. 11652: N/A

TAGS: PFOR, OAS

SUBJECT: OAS SPECIAL COMMITTEE FOURTH ROUND - RIO TREATY

REFERENCE: STATE 52845

### SUMMARY

FOURTH ROUND OF OAS SPECIAL COMMITTEE CLOSED MARCH 28, HAVING DEALT PRIMARILY WITH RIO TREATY. ONLY ONE ADDITIONAL NON-CONTROVERSIAL ARTICLE WAS AGREED TO AND ONE CONTROVERSIAL PROPOSAL (ECONOMIC AGGRESSION) ELIMINATED. DISCUSSION DURING SECOND PART OF THIS ROUND CONTINUED TO REVOLVE PRINCIPALLY AROUND KEY, INTERRELATED AND UNRESOLVED ISSUES (AND ARTICLES) PERTAINING TO INTRACONTINENTAL AND EXTRA-CONTINENTAL ATTACK, INDIRECT AGGRESSION AND THREATS, AND COVERAGE OF NON-SIGNATORY AREAS. PERU PRIMARILY AND MEXICO SECONDARILY CONTINUED TO BE PRINCIPAL PROPONENTS OF REDUCING SCOPE OF TREATY. PIVOTAL ISSUE OF VOTING REQUIREMENT FOR LIFTING SANCTIONS WAS NOT REACHED. PERU'S PROPOSAL FOR INCORPORATING REFERENCES TO ECONOMIC COLLECTIVE SECURITY

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ENGENDERED LIVELY DEBATE AND THREE-WAY SPLIT, WITH U.S. AMONG THOSE WHO (WHILE ACCEPTING PRINCIPLE) OPPOSED INCLUDING LANGUAGE IN TREATY. U.S. CONTINUED TO PLAY ACTIVE ROLE.

RECAPITULATION OF U.S. POSITIONS DURING THIS ROUND:

A. OUR PRINCIPAL INITIATIVES AND CONCESSIONS CONSISTED OF: (1) REITERATION OF OUR WILLINGNESS TO SEE CONSIDERABLE CONTRACTION IN VAST HIGH SEAS AREAS OF TREATY ZONE IF OTHERS WISHED, PROVIDED ADEQUATE BAND OF HIGH SEAS IS RETAINED; (2) REITERATION OF OUR WILLINGNESS TO ELIMINATE COVERAGE OF ARMED FORCES OUTSIDE OF NATIONAL TERRITORY AND OUTSIDE OF TREATY ZONE, WITH SAME PROVISIO AS ABOVE; (3) OUR PROPOSED COMPROMISE REVISION OF ARTICLE 6 TO COVER ANY SERIOUS "THREAT TO PEACE, BREACH OF PEACE OR ACT OF AGGRESSION" WITHIN TREATY REGION; (4) OUR PROPOSED REVISIONS OF ARTICLES 8, 20 AND 21 TO PROVIDE FOR BINDING MEASURES (AS IN PRESENT TREATY), RECOMMENDATORY MEASURES, AND PREVENTIVE, CONCILIATORY OR PERSUASIVE STEPS, AS WELL AS FOR AD HOC COMMITTEES TO UNDERTAKE SUCH STEPS.

B. BEYOND THESE INITIATIVES, OUR MAJOR INTERVENTIONS DEALT WITH: (1) OUR RELUCTANCE TO INCLUDE LANGUAGE REFERRING TO COLLECTIVE ECONOMIC SECURITY; AND (2) OUR ADVOCACY OF RETAINING PRESENT RIO TREATY COVERAGE OF (A) INTRACONTINENTAL AND EXTRACONTINENTAL ATTACK, WITHOUT DISTINCTION, (B) INDIRECT AGGRESSION (HOWEVER EXPRESSED), THREATS TO PEACE, ETC., (C) AMERICAN STATES (AS DISTINCT FROM CONTRACTING PARTIES) AND OTHER TERRITORIES WITHIN TREATY REGION, (D) A DEFINED ZONE, AND (E) THE ABILITY TO TAKE MEASURES WITHOUT RECOURSE TO UN.

END SUMMARY

1. FOURTH ROUND OF SESSIONS OF OAS SPECIAL COMMITTEE ON RESTRUCTURING INTER-AMERICAN SYSTEM WOUND UP EVENING OF MARCH 28 WITH APPROVAL OF RAPORTEURS REPORT. SESSIONS CONTINUED TO FOCUS MAINLY ON RIO TREATY, BUT A FEW WERE DEVOTED TO PACT OF BOGOTA AND INTER-AMERICAN COMMITTEE ON PEACEFUL SETTLEMENT (SEE SEPTTEL).

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2. ALL BUT BEGINNING AND END SESSIONS WERE AT LEVEL OF FIRST SUB-COMMITTEE (JURIDICAL AND POLITICAL), CHAIRED BY MEXICAN PERM REP DE LA COLINA, AND OF WORKING GROUPS OF THAT COMMITTEE. COMMITTEE CHAIRMAN FOREIGN MINISTRY SEC GEN CARLOS GARCIA BEDOYA JOINED PERUVIAN DELEGATION DURING LAST FEW DAYS, ALTHOUGH PERU'S PRINCIPAL SPOKESMAN CONTINUED TO BE AMBASSADOR JORGE LLOSA FROM FOREIGN MINISTRY.

3. THE MOST ACTIVE DELEGATIONS ON TOPIC OF RIO TREATY CONTINUED TO BE PERU, MEXICO, GUATEMALA, URUGUAY, ECUADOR, BRAZIL AND U.S., ALTHOUGH ALMOST ALL OTHER DELEGATIONS WERE MORE ACTIVE DURING SECOND HALF THAN BEFORE.

4. IN TERMS OF ARTICLES AGREED TO (ON USUAL "FIRST READING", AD REFERENDUM BASIS), SESSIONS PRODUCED LITTLE, I.E., ONLY ONE ARTICLE IN ADDITION TO THE TWO AGREED TO DURING THIRD ROUND. THIS WAS A NEW, NON-CONTROVERSIAL ARTICLE PROPOSED BY PERU-MEXICO-GUATEMALA TO EFFECT THAT NOTHING IN TREATY LIMITS PRINCIPLE OF NON-INTERVENTION AND RIGHT OF EACH STATE TO CHOOSE ITS POLITICAL, ECONOMIC AND SOCIAL ORGANIZATION. (U.S. WAS ABLE TO SPEAK IN SUPPORT OF THIS IN PLENARY SESSION IMMEDIATELY FOLLOWING INTRODUCTION BY PERU.) SESSIONS WERE SOMEWHAT MORE PRODUCTIVE IN TERMS OF FURTHER IDENTIFYING AND REDUCING DIFFERENCES ON KEY ISSUES AND IN ELIMINATING ONE CONTROVERSIAL PROPOSAL (ECONOMIC AGGRESSION).

5. FOLLOWING SUMMARIZES DISCUSSIONS ON PRINCIPAL ISSUES SINCE REFTEL AND GENERAL STATUS OF EACH ISSUE AT END OF FOURTH ROUND:

A. INTRA- AND EXTRA-CONTINENTAL ATTACK. ISSUE RE-CURRED DURING FURTHER DISCUSSIONS OF ARTICLE 3 (ARMED ATTACK), BUT PERU MADE NO HEADWAY IN ADVANCING ITS PROPOSAL. (LATTER NOW TAKES FORM OF SEPARATE TREATMENT WITHIN ARTICLE 3, WHICH WOULD MEAN THAT ONLY INTRA-CONTINENTAL ARMED ATTACK WOULD INVOKE PRINCIPLE OF "ATTACK AGAINST ONE IS ATTACK AGAINST ALL" AND RESULT IN INDIVIDUAL ASSISTANCE BY CONTRACTING PARTIES PENDING COLLECTIVE MEASURES BY ORGAN OF CONSULTATION, WHILE ATTACK LIMITED OFFICIAL USE  
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FROM EXTRACONTINENTAL SOURCE WOULD BE DEALT WITH ONLY COLLECTIVELY, BY PROVISIONAL MEASURES PENDING ACTION BY UNSC.) U.S. AMONGST OTHERS REITERATED THAT NO DISTINCTION SHOULD BE MADE, ARGUING THAT SOLIDARITY AS A PRINCIPLE IS INDIVISIBLE ALTHOUGH INDIVIDUAL RESPONSES WOULD OBVIOUSLY VARY WITH EACH COUNTRY'S SITUATION. FROM STATEMENTS IN DEBATE AND CORRIDOR REMARKS, LARGE MAJORITY ARE OPPOSED TO PERUVIAN IDEA.

B. INDIRECT AGGRESSION, THREATS, ETC. THESE QUESTIONS WERE DISCUSSED AT SOME LENGTH IN CONTEXT ARTICLE 6 AND PERU'S PROPOSED SUBSTITUTE ARTICLE DEALING ONLY WITH THREATS. MEXICO CONTINUED TO HAVE PROBLEMS WITH ANYTHING RESEMBLING "AGGRESSION WHICH IS NOT ARMED ATTACK" OR INDIRECT AGGRESSION, AND EVEN WITH IDEA OF DEALING WITH THREATS, ARGUING (LAMELY) THAT TREATY SHOULD NOT BE PREVENTIVE MECHANISM BUT ONLY DEAL WITH EVENTS. HOWEVER, WHEN SAME ARGUMENT EMERGED IN CONNECTION WITH U.S. PROPOSAL (BELOW) AND WHEN U.S. REPLIED THAT TREATY WOULD BE SERIOUSLY DEFICIENT IF IT WERE POWERLESS TO PREVENT

DIFFICULT SITUATIONS FROM DEGENERATING INTO ARMED CONFLICTS, MEXICO PROMISED TO STUDY THIS ASPECT FURTHER. MOST SEEM TO AGREE WITH US ON THIS POINT. QUESTION OF INDIRECT - AGGRESSION (HOWEVER EXPRESSED) WAS LEFT DANGLING. WE OF COURSE WANT LANGUAGE THAT WOULD COVER THIS, AS DO MANY OTHERS, ALTHOUGH SOME SHARE MEXICO'S RELUCTANCE (BASED MAINLY ON CUBAN EXPERIENCE).

C. COVERAGE OF NON-SIGNATORY AREAS. THERE WAS FURTHER, MORE POINTED DISCUSSION OF THIS ISSUE WITH RESPECT TO PERU'S PROPOSALS TO LIMIT ARTICLES 3 AND 6 TO COVERAGE OF CONTRACTING PARTIES (VICE AMERICAN STATES, AS IN PRESENT TREATY), BUT QUESTION AS IT RELATES TO TREATY ZONE HAS NOT YET BEEN REACHED. U.S. AND SOME OTHERS EXPRESSED PREFERENCE FOR EXISTING LANGUAGE IN ARTICLE 3 AND FOR BROAD LANGUAGE IN ARTICLE 6 THAT WOULD ENABLE ORGAN OF CONSULTATION TO DEAL WITH THREATS, CONFLICTS, ETC. ANYWHERE IN TREATY ZONE. HOWEVER, THESE QUESTIONS STILL REMAIN IN SOME DOUBT.

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D. U.S. PROPOSAL ON ARTICLE 6. AFTER EXTENSIVE CONSULTATIONS WITH NUMBER OF DELEGATIONS, U.S. WAS ENCOURAGED TO TABLE PROPOSED REVISION OF ARTICLE 6 WHICH ATTEMPTED TO COVER OUR POSITIONS AS IN B AND C ABOVE WHILE AT THE SAME TIME ACCOMMODATING MEXICO'S PROBLEMS ON "AGGRESSION WHICH IS NOT ARMED ATTACK" AND PERU'S PROPOSAL ON THREATS. OUR TEXT SUBSTITUTED UN CHARTER LANGUAGE "THREATS TO THE PEACE, BREACHES OF THE PEACE AND ACTS OF AGGRESSION" EXCEPT AS COVERED IN ARTICLE 3, AND PICKED UP MEXICAN WORDING FOR OPERATIVE PART OF ARTICLE. TEXT REFERRED TO THESE SITUATIONS WHEN THEY "SERIOUSLY" (ANOTHER MEXICAN WORD) AFFECT INDIVIDUAL AMERICAN STATES OR THE PEACE OF AMERICA -- MAIN PURPOSE OF LATTER DISTINCTION BEING TO COVER THOSE AREAS OF THE ZONE THAT ARE NOT AMERICAN STATES. UNFORTUNATELY MEXICO, WHICH HAD GIVEN US ENCOURAGEMENT, THEN SPOKE UP IN CRITICISM OF THIS FORMULATION AS IT RELATED TO THREATS AND REGIONAL COVERAGE, ALTHOUGH THEY LATER AGREED TO STUDY FURTHER. OTHERS SPOKE IN SUPPORT OF OUR POSITION ON THESE TWO POINTS.

UPSHOT WAS FORMATION OF WORKING GROUP (MEXICO, PERU, GUATEMALA AND U.S.) TO MAKE LAST MINUTE EFFORT TO FIND AGREED LANGUAGE. GUATEMALAN "COMPROMISE" WAS LARGELY SATISFACTORY TO MEXICO AND PERU, BUT DID NOT MEET OUR REQUIREMENTS RE "ACTS OF AGGRESSION" AND REGIONAL COVERAGE, SO U.S. EXPLAINED IN PLENARY IT PREFERRED TO HOLD MATTER OVER FOR THESE REASONS AND BECAUSE IT COULD NOT AGREE TO TEXT OF SUCH IMPORTANT ARTICLE WITHOUT

KNOWING WHAT OTHER CLOSELY RELATED ARTICLES WOULD CONTAIN.

AS RESULT, SEPARATE MEXICAN, U.S. AND GUATEMALAN PROPOSALS REMAIN ON TABLE, ALONG WITH PERU'S PROPOSAL FOR A SEPARATE ARTICLE ON THREATS.

E. "CHARACTERIZATION" OF ARMED ATTACK AND ACTS OF AGGRESSION. UNFORTUNATELY CONSIDERABLE TIME (WHICH COULD HAVE BEEN SPENT MORE PROFITABLY) WAS DEVOTED TO EFFORTS OF A WORKING GROUP (MEXICO, GUATEMALA, PERU, ECUADOR AND U.S., WITH URUGUAY AND SOMETIMES OTHERS ALSO PARTICIPATING) TO DEAL WITH PERUVIAN PROPOSED ARTICLE CHARACTERIZING "ARMED AGGRESSION". THIS EVOLVED INTO LIMITED OFFICIAL USE  
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GUATEMALAN-MEXICAN-PERUVIAN PROPOSAL TO REPLACE PRESENT ARTICLE 9 WITH TWO ARTICLES (1) GIVING AN ELABORATE CHARACTERIZATION OF "ARMED ATTACK" FOR PURPOSES OF ARTICLE 3 AND (2) GIVING A NON-EXCLUSIVE BUT NEVERTHELESS LIMITED CHARACTERIZATION OF "ACTS OF AGGRESSION", WHICH PROPONENTS WENT TO PAINS TO EXPLAIN WAS NOT DESIGNED TO BE A UN-STYLE DEFINITION OF AGGRESSION. AFTER SOME PLENARY DISCUSSION, QUESTION WAS LEFT TO NEXT ROUND. U.S. VOICED SOME DOUBTS (AS DID SEVERAL OTHERS) AND MENTIONED CERTAIN SPECIFIC POINTS IT PLANNED TO RAISE AGAIN IN NEXT ROUND.

SALVADOR-HONDURAS CONFLICT INSERTED ITSELF IN THIS PART OF DISCUSSION WHEN SALVADOREAN DELEGATION (AUGMENTED BY GUILLERMO TRIGUEROS) FORMALLY PROPOSED AMENDMENTS TO FOREGOING DRAFT ARTICLES THAT WOULD INCLUDE AMONG ACTS OF AGGRESSION (1) ATTACKS AGAINST POPULATION OR NATIONAL GROUPS EVEN IN TERRITORY OF AGGRESSOR STATE (READ SALVADOREANS IN HONDURAS) AND (2) BLOCKADE BY LAND (READ HONDURAS' CLOSURE OF PAN-AMERICAN HIGHWAY TO SALVADOREAN TRAFFIC). SEPARATE WORKING GROUP (URUGUAY, SALVADOR, HONDURAS, COSTA RICA, BRAZIL, PARAGUAY, TRINIDAD/TOBAGO AND U.S.) RAISED VARIOUS QUESTIONS WITH SALVADOREANS, PARTICULARLY RE ATTACKS AGAINST NATIONALS VIS-A-VIS RIGHT OF SELF-DEFENSE, BUT ENDED BY AGREEING TO SALVADOREAN SUGGESTION TO DEFER MATTER TO NEXT ROUND (HOPING IT WOULD GO AWAY). IN PLENARY SALVADOREAN PERM REP GRANDSTANDED BY STATING IF HUMAN BEING NOT PROTECTED SALVADOR WOULD WITHDRAW FROM INTER-AMERICAN SYSTEM. HONDURAN PERM REP PLAYED IT COOL, WHILE DISAGREEING WITH SALVADOREAN PROPOSAL.

F. ECONOMIC AGGRESSION AND COLLECTIVE ECONOMIC SECURITY. PERU WITHDREW PROPOSED ARTICLES DEALING WITH ECONOMIC AGGRESSION FOR OBVIOUS LACK OF SUPPORT, SUBSTITUTING PREAMBULAR LANGUAGE AND ARTICLE REFERRING TO

(BUT NOT DEALING WITH) COLLECTIVE ECONOMIC SECURITY.

LATTER FAILED TO ACHIEVE CONSENSUS, WITH POSITIONS SPLIT  
THREE WAYS, ALTHOUGH THERE WAS UNANIMOUS EXPRESSION OF  
SUPPORT FOR PRINCIPLE OF COLLECTIVE ECONOMIC SECURITY.

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U.S. WAS IN GROUP WHICH DISAGREED WITH INCLUSION OF  
LANGUAGE IN RIO TREATY. MATTER WILL DOUBTLESS ARISE  
AGAIN, AT LEAST IN FORM OF PROPOSED PREAMBULAR LANGUAGE.  
(SEE SEPTTEL FOR FURTHER DETAILS.)

G. "MEASURES." THERE WAS NO FURTHER DIRECT DISCUSSION  
OF U.S. PROPOSAL ON COURSES OF ACTION (REFTEL), ALTHOUGH  
MEXICO'S DOUBTS RE DEALING WITH THREATS (ABOVE) ALSO  
APPLY TO TAKING PREVENTIVE STEPS AS INCLUDED IN U.S.  
PROPOSAL -- A POINT MEXICO AGREED TO STUDY FURTHER.  
MEXICO TOLD US PRIVATELY THEY ARE PREPARED TO WITHDRAW  
THEIR PROPOSAL TO REQUIRE UNSC APPROVAL OF OBLIGATORY  
MEASURES.

H. KEY QUESTION OF VOTE REQUIRED FOR LIFTING MEASURES  
WAS NOT REACHED, BUT MEXICO AND CERTAIN OTHERS TOLD US  
PRIVATELY THEY LOOK FORWARD TO A COMPROMISE BETWEEN  
PRESENT TWO-THIRDS REQUIREMENT AND PERUVIAN/MEXICAN  
"REVERSE TWO-THIRDS" PROPOSAL.

6. COMMENT: ON NONE OF OUR POSITIONS ON RIO TREATY ARE  
WE ISOLATED AND ON MOST (WITH PROBABLE EXCEPTION OF  
SOME REFERENCE TO COLLECTIVE ECONOMIC SECURITY) WE THINK  
OUR POSITIONS TO DATE GENERALLY COINCIDE WITH MAJORITY.  
HOWEVER, THIS DOES NOT MEAN WE ARE OUT OF WOODS ON SUCH  
QUESTIONS AS COVERAGE OF NON-CONTRACTING PARTIES AND IN-  
DIRECT AGGRESSION, NOR DOES IT MEAN OUR SPECIFIC  
PROPOSALS WILL NECESSARILY FLOAT IN PRESENT FORM. VOTING  
QUESTION ALSO LIKELY TO BE DIFFICULT.

SLOW PROGRESS IS DUE TO A NUMBER OF FACTORS. TWO ARE  
PROCEDURAL: PRACTICE OF DEALING WITH MOST ISSUES IN  
FORMAL, PUBLIC, PLENARY SESSIONS AND OF TRYING TO ARRIVE  
AT CONSENSUS WITHOUT SETTling MATERS BY VOTE. MOREOVER,  
MOST OF ARTICLES UNDER DISCUSSION IN THIS ROUND ARE  
SO INTERRELATED THAT IT WAS IMPOSSIBLE TO DEAL WITH THEM  
SERIATIM. PERUVIAN TENACITY IN PUSHING ITS MANY PRO-  
POSALS, EVEN IN FACE OF GREAT RELUCTANCE OR OUTRIGHT  
OPPOSITION, HAS BEEN FURTHER MAJOR FACTOR IN SPINNING  
OUT DEBATE.

WE ARE SUGGESTING STREAMLINING SPECIAL COMMITTEE PROCE-  
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DURES IN NEXT ROUND BY (A) GREATER USE OF INFORMAL,  
PRIVATE SESSIONS AND (B) EFFORT TO SEEK AGREEMENT OR AT  
LEAST IDENTIFY PREPONDERANT POSITIONS ON BASIC ISSUES  
BEFORE ATTEMPTING TO DEAL WITH TEXTS OF ARTICLES. RUSH

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